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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,939	11/13/2003	Samuel Zellner	030392 (BLL-0126)	4821
7590 Philmore H. Colburn II Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002	12/29/2006		EXAMINER SHEDRICK, CHARLES TERRELL	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/29/2006	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/713,939	ZELLNER, SAMUEL
Examiner	Art Unit	
Charles Shedrick	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 11 October 2006.  
2a)  This action is **FINAL**.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-19 AND 21-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-19 and 21-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 13 November 2003 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 12/1/2006 have been fully considered but they are not persuasive.

Regarding claims 1,8, and 15. Applicant argues that Mun does not teach retrieving a service profile for a recipient terminal from a service profile database in response to initiation of a communication by an originator terminal to the recipient terminal.

However, the Examiner respectfully disagree.

Mun teaches the SETUP message containing the CID and the PCID of the first MS is transmitted only after the second MSC determines that the second MS has the ability to process picture information. The ability of an MS to process picture information can be given in a fixed way or in a dynamic way. For example, an MS equipped with an SIM (Subscriber Identifier Module) card including subscriber information (e.g., a GSM terminal) can process picture information only if its subscriber has subscribed to the PCID service. Then, the CID and the PCID of the first MS are displayed on the second MS. FIG. 6 is a signal flow diagram illustrating another embodiment of the procedure for providing a PCID as caller ID according to the present invention. This signal flow occurs in a mobile communication system including an HLR, a first MS (MS1), a first BS (not shown), and a first MSC (MSC1) on the calling side, and a second MS (MS2), a second BS (not shown), and a second MSC (MSC2) on the called side. The HLR stores the CID and PCID of each MS within the coverage area of the first BS. A second VLR (VLR2) having information as to whether each MS within the coverage area of the second BS has subscribed to the PCID service is provided to the second MSC.

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1. Regarding dependent claims and in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., far more information than merely pictures) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. The claims clearly read at "least one of" the plurality of elements. The Applicants specification paragraph 0006 also outlines where the "*The information includes information elements comprising at least one of: font and character style capabilities, a logo, an image, audio, multi-media, animation, VPIM, a uniform resource locator, a physical location address, video, an alerting tone, and advertising material*"

Therefore, the rejection is maintained as proper.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mun et al. US Patent Pub. No. 2003/0022659 A1, hereinafter, "Mun"

Consider **claims 1,8 and 15**, Mun teaches a Method, A storage medium including machine readable computer program code, and a System for transmitting enhanced originator

information over a communication network (i.e., see at least abstract regarding Caller ID information) comprising: retrieving a service profile for a recipient terminal from a service profile database (i.e., HLR, VLR, or storage system within the MSC) in response to initiation of a communication by an originator terminal to the recipient terminal (i.e., see at least paragraphs 0031-0033, figure 5 and claim 10); the service profile retrieved using a recipient terminal address in the communication initiation(i.e., see at least paragraphs 0031-0033, figure 5 and claim 10), the service profile specifying a service plan and terminal capability of the recipient terminal and terminal capability of the recipient terminal to retrieve the enhanced originator information from the originator terminal(i.e., see at least paragraphs 0031-0033, figure 5 and claim 10); processing the service profile to determine types of information elements that the recipient terminal receives to make an enhanced originator identification of the originator terminal(i.e., see at least paragraphs 0031-0033, figure 5 and claim 10); retrieving information elements associated with the originator terminal form a network database (i.e., see at least paragraphs 0034-0035 and figures 6 and 7), the retrieving based upon at least one of the service plan and terminal capability of the recipient terminal (i.e., see at least paragraphs 0031-0035 and figures 6 and 7); and transmitting a communication including said information elements to the recipient terminal prior to establishing a communication session with the recipient terminal (i.e., see at least figures 5-8 and claims 1,8, and 16) wherein the transmitting is conducted over at least one of : an IP network, a PSTN, peer to peer, a WLAN, a wireless network, a cable network a fiber optic network, a video network, and a satellite network(i.e., see at least figures 5-8 and claims 1,8, and 16)

**Consider claims 2, 9 and 16 and as applied to claims 1, 8, and 15 above,** Mun teaches wherein the terminal capability relates to at least one of a: terminal device type including at least one of: a personal computer, a network computer, a wireless mobile telephone, a wireless mobile computer device, a facsimile, a network appliance, and a wire-line telephone, and terminal device technology features including at least one of: binary-based caller-identification feature; and graphical features (i.e., see at least abstract and paragraph 0008).

**Consider claims 3, 10, and 17 and as applied to claims 2, 8, and 15 above,** Mun teaches wherein the information elements includes at least one of: font and character style capabilities; a logo; an image; audio; multi-media; animation; VPIM; a uniform resource locator; a physical location address; video; an alerting tone; and advertising material (i.e., see at least abstract and paragraph 0008).

**Consider claims 4, 11, and 18 and as applied to claims 1, 8, and 15 above,** Mun teaches wherein the communication comprises at least one of: Voice; Data; Video; Messaging; Instant Messaging; and Paging (i.e., see at least abstract and paragraph 0008).

**Consider claims 5 and 12 and as applied to claims 1 and 8 above,** Mun teaches wherein the communication including said information elements are generated by said communications network (i.e., see at least abstract and paragraph 0008) .

**Consider claims 6, 13, and 19 and as applied to claims 1, 8, and 15 above,** Mun teaches wherein the communication network includes at least one of: a circuit-switched network; a packet-switched network; a wireless network; an asynchronous transfer mode network; and a Multi-protocol Label Switching (MPLS) (i.e., see at least paragraph 0008).

**Consider claims 7 and 14 and as applied to claims 1 and 8 above,** Mun teaches wherein the service plans (i.e., subscriber data) are stored in a service profile database (i.e., see at least paragraphs 0034-0035 and figures 6 and 7), the plans stored in a dual format operable for accommodating both graphically-enabled caller identification devices and caller identification devices that are not graphically enabled (i.e., see at least paragraphs 0031-0035 and figures 6 and 7).

**Consider claims 21, 22, and 23 and as applied to claims 1, 8, and 15 above,** Mun teaches wherein the service plan includes controlling the presentation of the communication of the recipient terminal by screening the information elements in the communication based upon at least one of the content and format of the information elements (i.e., users register PCID registration mode beforehand and can use still image, characters, or moving pictures)(i.e., see at least paragraph 0024,0028-0029), the screening performed based upon criteria configured by a user of the recipient terminal (i.e., users register PCID registration mode beforehand and can use still image, characters, or moving pictures)(i.e., see at least paragraph 0024,0028-0029) .

### *Conclusion*

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick  
AU 2617  
December 20, 2006

  
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SUPERVISORY PRIMARY EXAMINER